

**Notice of Motion and Motion to Set Aside Order Issuing Sanctions Pursuant to
Code of Civil Procedure Section 177.5**

Age:			NEEDS/PROBLEMS/COMMENTS: NO EXAMINER NOTES ARE BEING PREPARED FOR THIS MATTER.	
DOD:				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>		
<input type="checkbox"/>	Verified	<input type="checkbox"/>		
<input type="checkbox"/>	Inventory	<input type="checkbox"/>		
<input type="checkbox"/>	PTC	<input type="checkbox"/>		
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>		
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>		
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>		
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>		
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>		
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>		
<input type="checkbox"/>	Letters	<input type="checkbox"/>		
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>		
<input type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
<input type="checkbox"/>	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
				Reviewed by: JF
				Reviewed on: 05/01/13
			Updates:	
			Recommendation:	
			File 1 – Tortorella	

Atty Judd, David

Atty Bosco, Cynthia

Notice of Motion and Motion to Set Aside Order Issuing Sanctions Pursuant to
Code of Civil Procedure Section 177.5

Age:			NEEDS/PROBLEMS/COMMENTS: NO EXAMINER NOTES ARE BEING PREPARED FOR THIS MATTER.
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 05/01/13
			Updates:
			Recommendation:
			File 2 – Tortorella

Atty Cervantes, Robert (for Javier R. Mendia & Sylvia N. Mendia – maternal grandparents/Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5	TEMPORARY EXPIRES 05/06/13	NEEDS/PROBLEMS/COMMENTS:
	JAVIER R. MENDIA and SYLVIA N. MENDIA , maternal grandparents, are Petitioners.	
Cont. from	Father: LONNIE MARQUEZ – Personally served on 03/08/13	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Mother: JENNIFER MENDIA – Personally served on 03/14/13	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Paternal grandfather: LONNIE B. MARQUEZ – Personally served on 03/08/13	
<input type="checkbox"/> Aff.Mail	Paternal grandmother: LOUISA M. RUIZ – Personally served on 03/08/13	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	Petitioners allege that guardianship is necessary in order to protect Lilyanna from her unstable parents. Petitioners allege that both parents have a long history of substance abuse and cannot care for Lilyanna at this time. Petitioners state that they have a loving, safe home environment and have been caring for Lilyanna the majority of her life.	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202	Court Investigator Julie Negrete filed a report on 04/23/13.	
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 05/01/13
<input checked="" type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 3 – Marquez

Atty Cobb, Lee S.W. (for Bobby Ray Hopkins and Juliette Knott – remainder beneficiaries/Petitioners)

Petition for Order Approving Settlement Agreement, and for Reimbursement of Attorneys' Fees and Costs Advanced by Beneficiaries (Prob. C. 17200)

		BOBBY RAY HOPKINS and JULIETTE KNOTT, remainder beneficiaries, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Petitioners allege:	
Cont. from		1. Keith B. Cramer ("Cramer") was appointed as sole trustee of the Glen E. Hopkins and Betty Hopkins Trust (the "Trust") by Order of the San Luis Obispo Superior Court entered on 01/17/03. The Declaration of Trust was modified by stipulated judgment entered on 11/08/95.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	2. The Trust and the assets of the Trust estate have been the subject of past litigation and disputes that were adjudicated in San Luis Obispo County Superior Court.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	3. Glen E. Hopkins is the current income beneficiary of the Trust.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	4. Keith B. Cramer voluntarily resigned as Trustee of the Trust on 04/11/12.	
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.	5. On 08/06/12, Clifford E. Bressler ("Bressler") was appointed by the San Luis Obispo Superior Court to act as successor trustee.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	6. Bressler is the current acting successor trustee. The principal place of administration of the Trust is being undertaken in Fresno County, therefore pursuant to Probate Code § 17005, Fresno County is the proper venue for the commencement of this proceeding. Further, all of the beneficiaries of the Trust reside in Fresno County.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	7. Around the time Cramer resigned as Trustee, a dispute arose between Cramer and Petitioners regarding the sale of real property located in Sonora, Tuolumne County. In particular, in or about May 2011, the Real Property was subject to a tax foreclosure sale in order to satisfy \$7,605.00 in delinquent property taxes. The real property was sold for a total sales price of \$25,105.00. Petitioners contend that the Trust estate was diminished as a result of the tax foreclosure sale. Cramer disputed Petitioner's contentions and disputed any wrongdoing.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Continued on Page 2

Reviewed by: JF

Reviewed on: 05/01/13

Updates:

Recommendation:

File 4 – Hopkins

8. In an effort to expeditiously resolve the dispute and avoid unnecessary litigation and attorney's fees and costs associated therewith, Cramer, Petitioners and Bressler agreed to settle and compromise their claims related to the real property by entering into a Confidential Settlement and Release Agreement. The validity of the settlement agreement is contingent on approval from this Court.
9. Under the settlement agreement, Cramer agreed to pay the amount of \$72,500.00 to Bressler as trustee of the Trust in order to settle any and all claims related to the sale of the real property.
10. Petitioners believe that the settlement agreement is just, fair and reasonable and in the best interests of all persons involved in that the settlement agreement expeditiously resolves the disputes related to the real property and avoids expensive and protracted litigation.
11. Petitioners have incurred \$14,000.00 in attorneys' fees and costs in pursuing the removal of Cramer, the appointment of Bressler as successor Trustee, resolving the claims related to the real property, and petitioning this court for approval of the settlement agreement. The attorneys' fees and costs incurred for the benefit of the Trust estate and preserve and protect the estate property.

Petitioners request that:

1. The Court grant the Petition for Order Approving Settlement Agreement and Release of All Claims; For Reimbursement of Attorney's Fees and Costs Advanced by Beneficiaries;
2. The Court approve the Confidential Settlement and Release Agreement; and
3. Clifford E. Bressler, Trustee of the Glen E. Hopkins and Betty Hopkins Trust be authorized and directed to pay to Bobby Ray Hopkins and Juliette Knott, the amount of \$14,000.00 as reimbursement for attorneys' fees and costs incurred for the benefit of the trust estate and the beneficiaries thereof.

Atty Barron, Richard B., of Luke & Barron, Visalia (for Petitioner Perine & Dicken)

Petition of Resigning Trustee for Approval of Final Account, and for Authorization to Pay Fees of Trustee's Attorneys and for Discharge

Age: 20 years		PERINE & DICKEN , Trustee, is Petitioner. Account period: 1/1/2012 – 1/31/2013 Accounting - \$461,722.57 Beginning POH - \$430,941.76 Ending POH - \$ 7,240.70* (all cash) (*bulk of funds transferred to Successor Trustee) Trustee - \$5,988.00 (partially paid) (per itemization attached as Exhibit C; for 49.9 hours @ \$120/hour for period 1/1/2012 to 2/28/2013; \$5,466.00 paid; balance due \$522.00.) Attorney - \$5,463.50 (partially paid) (per Declaration and itemization attached as Exhibit D; for 15.3 hours @ \$225/hour and \$235/hour attorney rate; and \$90/hour paralegal rate; \$3,925.75 paid for services to 8/2012; balance due \$1,537.75.) Bond - waived per Trust terms Petitioner states: <ul style="list-style-type: none"> The ANTONIO FRANCO SPECIAL NEEDS TRUST (SNT) was established 1/20/2011 by a Declaration of Trust executed by MARIA LEOS, Beneficiary's mother (copy of SNT attached as Exhibit A); The SNT is an irrevocable trust established for the purpose of paying for the beneficiary's special needs as defined by the Trust, pursuant to 42 USC 1396p(d)(4)(A) which allows certain types of irrevocable trusts to be used as a supplement to public benefits; The SNT Beneficiary suffers from a disability (paraplegia) that substantially impairs his ability to provide for his own care and which constitutes a substantial handicap; however, he is legally competent and is not under conservatorship; 	NEEDS/PROBLEMS/COMMENTS: ~Please see additional page~	
DOB: 5/10/1992				
Cont. from				
	Aff.Sub.W			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred			
✓	Notice of Hrg			
✓	Aff.Mail			W /
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/S			
	Objectn			
	Video Receipt			
	CI Report			
✓	2620			
✓	Order			
	Aff. Post			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notc			
~Please see additional page~			Reviewed by: LEG Reviewed on: 5/3/13 Updates: Recommendation: File 5 – Franco	

Petitioner states, continued:

- The four licensed professional fiduciaries of Perine & Dicken, **PATRICIA DICKEN, RONALD DICKEN, KAREN STEELE**, and **CHRISTOPHER KENNEDY**, were appointed and have served as initial Trustee, and their licenses are current and in good standing;
- In the course of its administration of the SNT, differences arose between the Trustee and the Beneficiary, and at the request of the Beneficiary and per Trust terms, Perine & Dicken and its individual fiduciaries appointed **BRUCE BICKEL** to succeed them;
- Following Mr. Bickel's acceptance of this appointment, Petitioner and its individual fiduciaries resigned effective 8/8/2012;
- All of the remaining assets of the SNT have been transferred to Mr. Bickel;
- The disbursements to Maria Leos were for in-home care for the Beneficiary; the disbursements to Perine & Dicken shows as fiduciary fees were for Trustee's services rendered at the rate of **\$120.00** per hour without Court authorization; the disbursements to Luke & Barron were for attorney fees charged to the Trustee by its counsel through 8/31/2012; such fees are payable without prior Court authorization per the SNT terms.

Petitioner prays for an Order:

1. Approving, allowing and settling the Final Account of the Resigning Trustee;
2. Approving Trustee's fees for services rendered through 2/28/2013 as just and reasonable in amount and directing the Successor Trustee to pay the Trustee the remaining balance due from Trust funds;
3. Approving the fees and costs charged by the attorneys for the Resigning Trustee as set for the in the Petition as just and reasonable and authorizing the Trustee to pay Luke & Barron the remaining balance due for professional services rendered and costs advanced to the Resigning Trustee through 2/28/2013; and
4. Discharging the Resigning Trustee.

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Schedule C, Disbursements*, shows payments for personal needs, clothing, and reimbursements for "local entertainment" in the even sum of **\$150.00** each that total **\$1,500.00** (assumed to be cash payments to the Beneficiary), which appear to be types of basic needs expenditures that are inappropriate and may disqualify the beneficiary for public benefits. In addition, disbursements of **\$850.00** were made for "lawn maintenance" although there is no real property asset in the SNT; these expenditures appear not to qualify for special needs of the beneficiary justifying payment by the SNT.

Note: *Schedule F, Property on Hand*, does not contain the Samsung Washer as an asset of personal property on hand, as *Schedule C, Disbursements* (Page 6, Footnote 1), states that it would.

Note re Successor Trustee Appointment: *Petition* states differences arose between the Trustee and the Beneficiary, and at the request of the Beneficiary and per Trust terms, Perine & Dicken and its individual fiduciaries appointed **BRUCE BICKEL** to succeed them, and that following Mr. Bickel's acceptance of this appointment, Petitioner and its individual fiduciaries resigned effective 8/8/2012. *Petition* does not indicate whether the resignation and succession procedure was followed according the Paragraph Eleventh (B) of the SNT, which requires any designation of an individual to succeed the Trustee shall be made in a written instrument signed by the Trustee while serving as Trustee.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note re Bond: The Court may require as a condition of its approval of the account of the resigning Trustee that the Successor Trustee, Bruce Bickel, post bond pursuant to Probate Code § 15602(a)(2), which provides in pertinent part that the Court may require bond notwithstanding a waiver of bond in the trust instrument if a bond is found by the Court to be necessary to protect the interests of the Beneficiary or other persons having an interest in the SNT. Based upon *Schedule E, Property on Hand Transferred to Successor Trustee*, and *Schedule F, Property on Hand*, in September 2012, SNT assets consisting of cash (**\$104,811.99**), Samsung washer valued at **\$1,136.72**, and mutual funds valued at **\$318,116.72**, were transferred to Mr. Bickel as Successor Trustee, totaling **\$424,065.43**. (It has been represented that the original receipt for the transfer will be filed with the Court upon receipt by Attorney Barron's office.)

Note re Character of the Special Needs Trust: The *Petition* states the SNT was established pursuant to 42 USC 1396p(d)(4)(A), which allows certain types of irrevocable trusts to be used as a supplement to public benefits. The *Petition* does not indicate that the SNT itself was approved by the Civil Court for receiving the litigation funds belonging to the Beneficiary, and the *Petition* does not state that the SNT need not comply with CA Rule of Court 7.903. *Attorney Statement of Account for Services* attached as *Exhibit D* to the *Petition* contains entries dated 7/1/2011 that indicate a determination was made by the attorney that compliance with CA Rule of Court 7.903 is not required. The SNT itself has not, and pursuant to the federal statute in the circumstances applicable to this case, need not have been approved by the Probate Court pursuant to the provisions of the Probate Code and the California Rules of Court. Based upon Paragraph First of the SNT, the SNT was created by the mother of the Beneficiary with initial minimal funding, which was then further funded by the Beneficiary himself as a mentally competent adult with the litigation settlement proceeds. Therefore, it appears this SNT does not fall within the provisions requiring the SNT to be subject to the jurisdiction of this Court.

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 02/15/2013	AMBER LYNNE WHITE , daughter/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Proposed personal representative is a resident of Lincoln, Arkansas. Probate Code §8571 states notwithstanding a waiver of bond, the Court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the Court. Note: If the petition is granted status hearings will be set as follows: • Friday, 10/11/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 07/11/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. Reviewed by: LV Reviewed on: 05/01/2013 Updates: Recommendation: File 6 – Doolittle
	Petitioner is a resident of Lincoln, Arkansas.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Will dated: 10/23/2006	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Estimated value of the Estate: Real property - \$200,000.00	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 11/17/11	JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 04/15/13</u> Minute order from 04/15/13 states: No appearances. The Court sets the matter for an Order to Show Cause on 05/06/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Myron Smith to be personally present on 05/06/13. As of 05/01/13, nothing further has been filed and the following notes remain: 1. Inventory & Appraisal filed 02/08/13 is not marked in the caption indicating whether this is a partial inventory or final (or otherwise marked). There are several items listed on attachment 2 that require appraisal by the probate referee that are not appraised; therefore, it appears that this is a partial inventory and appraisal. Need clarification and Final Inventory & Appraisal. <u>Note:</u> A copy of the 03/01/13 Minute order was mailed to Myron Smith on 03/01/13 and a copy of the 04/15/13 minute order was mailed to Myron Smith on 04/17/13.
Cont. from 120712, 030113, 041513	Minute Order from 08/02/12 set this matter for status re: filing the Inventory & Appraisal on 12/07/12.	
<input type="checkbox"/> Aff.Sub.Wit.	Inventory & Appraisal filed 02/08/13 - \$62,465.69.	
<input type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Minute order from 03/01/13 states: No appearances. The Court notes for the minute order that there is no status report and there are assets that require appraisal. The Court further notes that a complete inventory is needed. Matter is continued to 04/15/13. The Court orders Myron Smith to be personally present on 04/15/13.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202 Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: JF
Reviewed on: 05/01/13
Updates:
Recommendation:
File 7A - Barnes

7A

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

DOD: 11/17/11	JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	A status hearing was set for 12/07/12 regarding filing of the Inventory & Appraisal.	
Aff.Sub.Wit.		
Verified		
Inventory	An incomplete Inventory & Appraisal was filed on 02/08/13 showing estate assets in the amount of \$62,465.69.	
PTC		
Not.Cred.		
Notice of Hrg	No appearance was made at status hearings on 03/01/13 and 04/15/13.	
Aff.Mail		
Aff.Pub.	Minute Order from 04/15/13 set this matter for an Order to Show Cause why Myron Smith should not be sanctioned in the amount of \$500.00 for failure to appear.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	Clerk's Certificate of Mailing filed 04/17/13 states the Order to Show Cause and a copy of the 04/15/13 minute order were mailed to Myron Smith on 04/17/13.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 05/01/13
		Updates:
		Recommendation:
		File 7B – Barnes

		ERIC SMITH was appointed Successor Trustee of the Elizabeth R. Conroy Revocable Trust for the limited purpose of selling the property located at 1895 E. Brandon Avenue in Fresno on 2-4-13.	NEEDS/PROBLEMS/COMMENTS:
		On 2-4-13, the Court also ordered that the proceeds from the sale shall be held and not distributed pending further instructions from the Court.	<u>Continued from 3-25-13</u>
Cont. from 032513		The Court set this status hearing for the fling of further petition for instruction and distribution.	<u>Minute Order 3-25-13:</u> Counsel advises the Court that escrow may be closing today. Matter continued to 5/6/13. The Court directs that upon the closing of escrow, all proceeds be deposited into the trust account with Mr. Franco. Counsel is directed to submit a proposed order. Documents to be submitted by 5/6/13. Continued to 5/6/13
Aff.Sub.Wit.			
Verified			<u>As of 5-1-13, nothing further has been filed.</u>
Inventory			
PTC			<u>Note re history:</u> Mr. Smith previously stated that <u>a copy of the trust has not been found</u> ; however, he is the only child of the decedent and the title to the house reflected that it was held in trust. Mr. Smith filed a petition to be appointed as trustee, as he needed to sell the house because it was sitting vacant, etc. The Court appointed him for the sole purpose of completing the sale, and set this status hearing for further petition.
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 5-1-13
			Updates:
			Recommendation:
			File 8 - Conroy

Petition for Visitation

Rey age: 10 yrs		ROSIE ALVARADO , guardian/paternal grandmother, is petitioner. Father: Robert Briseno, Jr. , Deceased Mother: JACQUELINE GARCIA , personally served on 04/08/2013. Paternal grandfather: Robert Briseno, Sr. Maternal grandmother: Rita Day Maternal grandfather: Jaime Garcia	NEEDS/PROBLEMS/COMMENTS: Page 9B is the Ex Parte Petition to Terminate Visitation filed by the Guardian, Rosie Alvarado. Note: Jacqueline Garcia, Mother, filed a Petition to Terminate Guardianship on 04/09/2013. Hearing is set for 06/11/2013. Note: Current Visitation agreement pursuant to the minute order of 09/24/2012: Mother advises the Court that she has reached an agreement with the guardian whereby the children will visit with each of them on alternating weeks from Sunday until Sunday. 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Notice of Hearing on the following: <ul style="list-style-type: none"> • Robert Briseno, Sr. (Paternal Grandfather) • Rita Day (Maternal Grandmother) • Jaime Garcia (Maternal grandfather)
Reyna age: 11 yrs			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<p align="center"><u>Please see additional page</u></p>			Reviewed by: LV Reviewed on: 05/02/2013 Updates: Recommendation: File 9A – Briseno

Declaration of Mother, Jacqueline Garcia, filed 04/09/2013 states the allegations that the petitioner/guardian made regarding her boyfriend choking her is untrue and that he is not controlling. Ms. Garcia is concerned for the her children's safety while living with the guardian because Robert Briseno, Jr., father, was shot and killed in front of the guardian's home. The Mother, Ms. Garcia, states that she is also concerned that the guardian has gone for months at a time without water and was only made aware of it by the children after the water had been turned back on. Ms. Garcia states the guardian does not concentrate on the children's homework and allows the children to fail classes.

Attached to Jacqueline Garcia's Declaration are police reports stating the guardians failure to cooperate with visitations.

Ex Parte Petition to Terminate Visitation

Rey age: 10 yrs		<p>ROSIE ALVARADO, guardian/paternal grandmother, is petitioner.</p> <p>Father: Robert Briseno, Jr., Deceased</p> <p>Mother: JACQUELINE GARCIA, personally served on 04/08/2013.</p> <p>Paternal grandfather: Robert Briseno, Sr. Maternal grandmother: Rita Day Maternal grandfather: Jaime Garcia</p> <p>Petitioner states: she requests that the children not have to visit with the mother, Jacqueline Garcia, because they do not want to go. Petitioner states that Reyna was slapped in the face by her mother, the mother uses bad language and makes her stress out which results in her grades falling. The children do not want to go with their mother because she and her boyfriend argue.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Notice of Hearing on the following:</p> <ul style="list-style-type: none"> • Jacqueline Garcia (Mother) • Robert Briseno, Sr. (Paternal Grandfather) • Rita Day (Maternal Grandmother) • Jaime Garcia (Maternal grandfather) 	
Reyna age: 11 yrs				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: LV</p> <p>Reviewed on: 05/02/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9B – Briseno</p>	

9B

10 Dylan Del Val & Kayla Del Val (GUARD/P)
Atty Hakker, Steve (pro per Guardian/maternal grandfather)
Atty Hakker, Melissa S (pro per Petitioner/mother)
Atty Del Val, Jesse J (pro per Petitioner/father)

Case No. 11CEPR00739

Petition for Termination of Guardianship

Age: 7 years		MELISSA HAKKER , mother, and JESSE DELVAL , father, are petitioners. STEVE HAKKER , maternal grandfather, was appointed guardian on 10/24/2011 – Guardian consents and waives notice. Paternal grandfather: not listed Paternal grandmother: Deceased Maternal grandmother: Penny McKenzie Petitioners do not state why terminating the guardianship would be in the best interest of the minors. Court Investigator Charlotte Bien's report filed on 4/15/2013	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing or Declaration of Due Diligence on: a. Penny McKenzie (maternal grandmother) b. Paternal grandfather (not listed)
Age: 3 years			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT Reviewed on: 5/1/2013 Updates: Recommendation: File 10 – Del Val

Petition for Removal of Trustee, Account, and for Appointment of Successor Trustee

		ANDREW CHAFFER , trust beneficiary, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states he is the grandson and 1/6 beneficiary under the HARLEY E. CHAFFER TRUST executed May 9, 1991. Petitioner states he does not possess a copy of the Trust. And amendment to the Trust was executed on October 29, 1998.	<p><u>Minute order 3-4-13 (Judge Oliver):</u> Andrew Chaffer is appearing via conference call. Andrew Chaffer informs the Court that Attorney John Streett will be continuing as counsel in this matter. Douglas Chaffer informs the Court that he has provided everything that has been requested of him. Matter is continued to 5/6/13. The Court orders Mr. Streett to talk to Douglas Chaffer regarding any concerns in this matter. The Court directs that any objections by Mr. Streett be filed by 5/6/13. Continued to: 5/6/13</p> <p><u>Note:</u> Petitioner was formerly represented by Attorney John Streett; however, Substitution of Attorney filed 9-12-12 indicates that he is now self-represented. On 3-4-13, the Court was informed by Andrew Chaffer that Mr. Streett will be continuing as his attorney; however, no further substitution has been filed to this effect.</p>
Cont. from 121211, 022712, 040912, 051412, 062512, 080612, 091712, 102212, 111912, 021113, 030413		Harley E. Chaffer died on March 4, 2011 thereby making the Trust irrevocable.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner is informed and believes that the successor Trustee is DOUGLAS EDWARD CHAFFER .	
		Petitioner alleges:	
		1. The Trustee has violated his duty to inform the beneficiaries and has refused to provide Petitioner with a copy of the Trust, despite written requests.	
		2. The Trustee has violated his duty to Petitioner as Trustee has failed to ever render an accounting despite written request to do so.	
		Wherefore, Petitioner prays for an Order:	
		1. Compelling Douglas Edward Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it;	
		2. Compelling Douglas Edward Chaffer to account fully for all Trust property;	
		3. Removing Douglas Edward Chaffer as Trustee;	
		4. Appointing a new Trustee as prescribed by the Trust;	
		5. For costs of suit; attorney fees and for such other and further relief as the court deems proper.	
			Reviewed by: skc Reviewed on: 5-1-13 Updates: Recommendation: File 11 - Chaffer

Pro Per Williams, Diane (Pro Per Petitioner, maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Shayma Age: 3 years	TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 1/8/2013; extended to 2/5/2013; extended to 5/6/2013.	NEEDS/PROBLEMS/COMMENTS:	
Derrick Age: 2 years			
Cont. from 111312, 010813, 020513	<p>DIANE WILLIAMS, maternal aunt, is Petitioner.</p> <p>Father: DERRICK L. CROCKETT; personally served 11/13/2012.</p> <p>Mother: DELLA L. LYNN; personally served 11/13/2012.</p> <p>Paternal grandfather: <i>Not listed; Court dispensed with notice 11/13/2012.</i></p> <p>Paternal grandmother: <i>Not listed; Declaration of Due Diligence filed 1/17/2013.</i></p> <p>Maternal grandfather: <i>Not listed; Court dispensed with notice 11/13/2012.</i></p> <p>Maternal grandmother: Roberta Waldrop; deceased.</p> <p>Petitioner states she wants guardianship of the children because no one wants to take care of them and she does not want them to go to CPS, and she loves them because they are her blood.</p> <p>Court Investigator Dina Calvillo's Report was filed on 11/6/2012.</p> <p>Court Investigator Dina Calvillo's Supplemental Report was filed on 11/16/2012.</p>	<p>Note: Petition for Appointment of Guardian was filed 3/21/2013 by Jerold Wheeler, brother-in-law of Petitioner Diane Wheeler, and is set for hearing on 5/21/2013. Petitioner Diane Williams signed on 3/29/2013 a Consent and Waiver of Notice to Jerold Wheeler's Petition.</p> <p>Continued from 2/5/2013. Minute Order states matter is continued to 5/6/2013. The temporary is extended to 5/6/2013. The Court directs the court investigator to conduct a further investigation regarding mother's housing situation, substance abuse, and care of her unborn child.</p>	
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			W/
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 5/1/13	
		Updates:	
		Recommendation:	
		File 12 - Crockett	

DeAsia age: 5		TEMPORARY EXPIRES ON 5/6/2013 DENEEN DE BOURDEAUX , paternal grandmother, is petitioner. Father: DEVERN CLARK, SR. – consents and waives notice. Mother: ASIA ALEXANDER – consents and waives notice. Paternal grandfather: Vernon Clark, Sr. - Deceased Maternal grandfather: Unknown – Declaration of Due Diligence filed on 3/4/13 Maternal grandmother: Unknown – Declaration of Due Diligence filed on 3/4/13 Petitioner states she has had the children since birth. When the mother gets mad she takes them. She has tried to give DeAsia away. She leaves Devern with anybody. Petitioner states she has had to go get Devern in the middle of the night from strangers. Dad is in jail. Guardianship is needed to protect the children from their mother's lifestyle. Court Investigator Jennifer Young's Report filed on 4/26/13	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice on: a. Maternal grandparents – unless the court dispenses with notice.	
Devern age: 2				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: KT Reviewed on: 5/1/2013 Updates: Recommendation: File 13 – Clark				

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 02/28/1989		<p>MAGDALENA GARCIA, daughter, and CHRISTINA GARCIA, granddaughter, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$42,000.00</p> <p>Holographic Will dated 02/07/1988 devises the residence and possessions to Magdalena Garcia and Cristina (granddaughter).</p> <p>Petitioner requests Court determination that decedent's 100% interest in real property located at 13237 E. Young Ave. Parlier, Ca. pass to Magdalena Garcia and Christina Garcia pursuant to decedent's will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was filed using a fee waiver. Filing fees are considered by the Court to be a cost of Administration and must be paid prior to distribution of property. Filing fee of \$435 is now due. Petition was not signed by Christina Garcia as required pursuant to Probate Code § 1020. Need date of death of deceased spouse per Local Rule 7.7.1D. #9a(3) or #9a(4) of the petition were not answered regarding registered domestic partner. Christina Garcia is not listed on Attachment 14. <p>Note: Proof of Subscribing Witness attached to petition.</p>
Cont. from			
✓	Proof of Holographic Instrument		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: LV
Reviewed on: 05/02/2013
Updates:
Recommendation:
File 14 – Garcia

Ex parte Petition for Visitation

Timothy, 6	MIKHAIL RYBIN , father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 10 days prior to the hearing date on all interested parties, including the temporary guardians and their attorney, Nikole Cunningham (Per Order on Ex Parte Petition).
Sophia, 5	GENNADIY KITSEN and LIDIA KITSEN , maternal uncle and aunt, were appointed temporary guardians on 12/12/12.	
Cont. from	Mother: MARIAM RYBIN	
Aff.Sub.Wit.		
✓ Verified	Paternal grandfather: YURI RYBIN Paternal grandmother: OLGA RYBIN	
Inventory		
PTC	Maternal grandfather: NICKOLAY KOTENKOFF Maternal grandmother: VALENTINA KOTENKOFF	
Not.Cred.		
Notice of Hrg	x	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order	Petitioner states that after the last hearing on 04/11/13, he and the temporary guardians have not been able to reach an agreement regarding a visitation schedule and exchange location. He states that he has not been offered the opportunity to take the children to Sacramento where he lives. He states that he has been offered a 6 hour visit in Fresno, but states that the 6 hour Fresno visits are stressful because they have to use public restrooms and eat at fast food places. In addition, the children frequently ask when they are going home with him to Sacramento. Petitioner states that he has had to beg for visits in the last 5 months. He would like to have a court ordered visitation schedule to include days, time, and exchange location at a half-way point (Modesto). Petitioner proposes the following visitation schedule: <u>During school:</u> 1 st & 3 rd Friday 6:00pm exchange at McDonalds in central Modesto. <u>During summer:</u> June 15 th @ 12pm – June 24 th @ 7pm July 6 th @ 12pm – July 15 th @ 7pm Aug. 3 rd @ 12pm – Aug. 12 @ 7 pm Exchange at McDonalds in central Modesto.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: JF
Reviewed on: 05/01/13
Updates:
Recommendation:
File 15 – Rybin

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Jasean, 12		<p align="center"><u>GENERAL HEARING 06/24/13</u></p> <p>RICHARD HARVEY, non-relative, is Petitioner.</p> <p>Father (Jasean): JOSEPH WILLIAMS – <i>Consent & Waiver of Notice filed 04/22/13</i> Father (Jalen): CORNELL GREEN – <i>Declaration of Due Diligence filed 04/22/13</i></p> <p>Mother: TISHA ANTHONY – <i>Consent & Waiver of Notice filed 04/22/13</i></p> <p>Paternal grandfather (Jasean): SYLVESTER WILLIAMS Paternal grandmother (Jasean): MARTHA WILLIAMS</p> <p>Paternal grandfather (Jalen): UNKNOWN Paternal grandmother (Jalen): UNKNOWN</p> <p>Maternal grandfather: HORANCE ANTHONY Maternal grandmother: TWYLA DAILY – deceased</p> <p>Petitioner alleges that he considers the boys his grandsons. He was in a long-term relationship with their maternal grandmother for 20+ years before she passed away in 2009. Petitioner states that the boys have lived with him for over 7 years and he wishes to continue to provide them with a safe, stable home and raise them in a positive disciplined way. Petitioner alleges that the parents are unable to care for the boys at this time. Petitioner states that temporary guardianship is needed so that he can seek medical and dental care for the boys.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Declaration of Due Diligence filed 04/22/13 states that efforts to make contact with Cornell Green, Jalen's father, have been unsuccessful and his current whereabouts are unknown. If diligence is not found, need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> for Cornell Green (Father of Jalen).
Jalen, 9			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg x		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		